

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CHINLEY JEAN,	:	HABEAS CORPUS
Petitioner,	:	28 U.S.C. § 2241
	:	
v.	:	CIVIL ACTION NO.
	:	1:16-CV-596-WSD-CMS
WARDEN OR MAJOR OF	:	
ATLANTA CITY DETENTION	:	
CENTER/DHS,	:	
Respondent	:	

FINAL REPORT AND RECOMMENDATION

In mid-January 2016, at the conclusion of a two-year term of imprisonment for conspiracy to commit wire fraud, Chinley Jean was released by the Federal Bureau of Prisons into the custody of the Department of Homeland Security. Mr. Jean now contends that he is entitled to a writ of habeas corpus pursuant to 28 U.S.C. § 2241 because he is a “legal resident” of the United States and “probable cause ha[s] not been established” for his continued detention. (Doc. 1 at 3).

The record of prior proceedings indicates that Mr. Jean’s petition is meritless, and the undersigned **RECOMMENDS** that this case be **DISMISSED** because it plainly appears that Mr. Jean is not entitled to the relief he requests. *See* 28 U.S.C. foll. § 2254, Rules 1(b) & 4.

Mr. Jean signed and initialed each page of a Plea Agreement stating:

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

United States v. Jean, No. 6:14-CR-92-ACC (M.D. Fla. filed July 18, 2014) (Doc. 35 therein at 12-13). Moreover, his Sentencing Memorandum specifically acknowledged that “Mr. Jean will be deported after he serves his sentence in this case.” *Id.* (Doc. 47 therein at 2). Thus, Mr. Jean has not demonstrated that he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).

Solely for the purpose of dismissal, Mr. Jean’s request for permission to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

The Clerk is **DIRECTED** to terminate the referral of this case to the undersigned.

SO RECOMMENDED AND ORDERED, this 3rd day of March, 2016.



CATHERINE M. SALINAS
UNITED STATES MAGISTRATE JUDGE